United Nations A/HRC/29/45

General Assembly

Distr.: General
26 May 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 5
Human rights bodies and mechanisms

Report of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace on its third session

Chairperson-Rapporteur: Christian Guillermet-Fernández

GE.15-10455 (E)

1510455

Please recycle

Contents

		Paragraphs	*Page*
I.	Introduction	1 – 4	3
II.	Organization of the session	5 – 19	3
	A. Election of the Chairperson-Rapporteur	5	3
	B. Attendance	6 – 11	3
	C. Meetings and documentation	12 – 14	4
	D. Adoption of the agenda and organization of work	15 – 19	5
III.	General comments	20 – 30	5
IV.	First and second readings of the revised text prepared by the Chairperson-Rapporteur of the working group	31 – 72	8
	A. Preamble	34 – 56	8
	B. Article 1	57 – 63	11
	C. Article 2	64 – 68	12
	D. Article 3	69 – 71	13
	E. Article 4	72	13
V.	General comments by non-governmental organizations	73 – 74	14
VI.	Conclusion of the session	75 – 79	14
VII.	Conclusions and recommendations of the Chairperson-Rapporteur	80 – 81	15
VIII.	Adoption of the report	82	15
Annex			
	Text presented by the Chairperson-Rapporteur on 24 April 2015		16

I. Introduction

1. In its resolution 20/15, the Human Rights Council decided to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace.

2 In its resolution 27/17, the Human Rights Council decided that the open-ended intergovernmental working group would hold its third session for five working days in 2015 with the objective of finalizing the declaration. The third session was held from 20 to 24 April 2015.

3. Also in its resolution 27/17, the Human Rights Council requested the Chairperson-Rapporteur of the working group to conduct informal consultations with Governments, regional groups and relevant stakeholders before the third session of the group. The Council also requested the Chairperson-Rapporteur to prepare a revised text on the basis of the discussions held during the first and second sessions of the working group and on the basis of the intersessional informal consultations to be held, and to present it prior to the third session of the working group for consideration and further discussion thereat. The revised text prepared by the Chairperson-Rapporteur was circulated to all States by note verbale on 31 March 2015.

4. On 20 April 2015, the session was opened by the Officer-in-Charge of the Human Rights Council Mechanisms Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on behalf of the High Commissioner. The Officer-in-Charge recalled that the realization of peace lay at the very heart of the principles and purposes of the United Nations, as reflected in its Charter. He referred to the 2005 World Summit Outcome,[1] and the Human Rights up Front initiative, launched by the Secretary-General in 2013, in which the complementarity between peace and human rights was clearly reflected. The Officer-in-Charge commended the efforts of the Chairperson-Rapporteur to engage actively with States, civil society and academia in order to reconcile the diverse views and positions with regard to the right to peace and to move the process forward. He also confirmed the continued readiness of OHCHR to assist the working group in all its endeavours.

II. Organization of the session

A. Election of the Chairperson-Rapporteur

5. At its first meeting, on 20 April 2015, the working group re-elected Christian Guillermet-Fernández (Costa Rica) as its Chairperson-Rapporteur, by acclamation. He had been nominated by Guatemala on behalf of the Group of Latin American and Caribbean States.

B. Attendance

6. Representatives of the following States Members of the United Nations attended the meetings of the working group: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Brazil, Brunei Darussalam, Canada,

[1] General Assembly resolution 60/1.

Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, Estonia, Ethiopia, France, Gabon, Georgia, Greece, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Libya, Luxembourg, Malaysia, Mali, Mauritius, Mexico, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia.

7. The Holy See and the State of Palestine were, as non-Member States, represented by observers.

8. The United Nations Educational, Scientific and Cultural Organization was represented by an observer.

9. The following intergovernmental organizations were represented by observers: Council of Europe, European Union, League of Arab States, Organization of Islamic Cooperation.

10. The following non-governmental organizations in consultative status with the Economic and Social Council were represented: African Commission of Health and Human Rights Promoters (CAPSDN), Al-Hakim Foundation, American Association of Jurists, Americans for Democracy and Human Rights in Bahrain, Inc., Associazione Comunità Papa Giovanni XXIII, Brahma Kumaris World Spiritual University, Center for Global Nonkilling, Congregation of Our Lady of Charity of the Good Shepherd, Foundation for GAIA, Geneva for Human Rights – Global Training, Indian Council of South America (CISA), Institute for Planetary Synthesis, Institute of Global Education, International Association of Democratic Lawyers, International Council of Voluntary Agencies, International Fellowship of Reconciliation, International Institute of Mary Our Help of the Salesians of Don Bosco, International Movement against All Forms of Discrimination and Racism (IMADR), International Volunteerism Organization for Women, Education and Development – VIDES, Japan Federation of Bar Associations, Japanese Workers' Committee for Human Rights, Peace Boat, Planetary Association for Clean Energy, Inc., Rencontre africaine pour la défense des droits de l'homme, Spanish Society for International Human Rights Law, United Network of Young Peacebuilders (UNOY Peacebuilders), Women's International League for Peace and Freedom (WILPF).

11. The Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, also participated in the session.

C. Meetings and documentation

12. The working group held eight fully serviced meetings during its third session.

13. The working group also held informal consultations on 22, 23 and 24 April 2015.

14. The working group had before it the following documents:

Revised text by the Chairperson-Rapporteur presented to the working group in accordance with Human Rights Council resolution 27/17

References used for the revised text by the Chairperson-

	Rapporteur
A/HRC/WG.13/3/1	Note by the Secretariat
A/HRC/27/63	Report of the open-ended intergovernmental working group on a draft United Nations declaration on the right to peace

D. Adoption of the agenda and organization of work

15. In his opening statement, the Chairperson-Rapporteur referred to Human Rights Council resolution 27/17, in which the Council requested him to prepare a new text on the basis of the discussions held during the first and second sessions of the working group and on the basis of the intersessional informal consultations.

16. The Chairperson-Rapporteur introduced his new text, which he described as the result of extensive consultations held with a wide range of stakeholders, including States, intergovernmental organizations, United Nations entities, civil society organizations and academia.[2] In this light, the revised text did not include any paragraph or provision that had not been previously discussed with or in the working group. The revised text was short and concise, and did not aim to provide a stand-alone definition of the right to peace as such, but rather focused on the elements composing the right to peace that had already been identified by the Human Rights Council in previous years.

17. The Chairperson-Rapporteur stated that the first and second sessions of the working group had created a basis that would allow for the working group to conduct the negotiation process in good faith. As this was the final session of working group, it was now the responsibility of States to reach consensus on a draft declaration. He reiterated that transparency, inclusiveness, consensus and objectivity – and a little realism – continued to be the guiding principles for the conduct of the process.

18. At its 1st meeting, on 20 April 2015, the working group adopted, without comments, its agenda (see A/HRC/WG.13/3/1), and the draft programme of work.

19. On the proposal of the Chairperson-Rapporteur, the working group agreed to hold a general debate, to be followed by the first and second readings of the revised text prepared by the Chairperson-Rapporteur, and to conclude with the adoption of the report on the session.

III. General comments

20. At the 1st meeting, on 20 April 2015, following the adoption of the agenda, the floor was opened for general comments, which included statements delivered on behalf of groups of States, namely, by Algeria (on behalf of the Group of African States), the Islamic Republic of Iran (on behalf of the Non-Aligned Movement), the European Union and the Organization of Islamic Cooperation.

[2] The Chairperson-Rapporteur convened several informal consultations in preparation for the third session of the working group. The first consultation was held with States and other stakeholders on 30 January 2015, the second consultation with representatives of various international organizations on 26 February 2015, and the third consultation with non-governmental organizations, also on 26 February 2015. Consultations and bilateral meetings were held also with the Association of Southeast Asian Nations, the Organization of Islamic Cooperation, the European Union and regional groups prior to the third session of the working group.

21. Although views concerning the concept of the right to peace still diverged, all participating delegations demonstrated their will to engage constructively in the discussion. The general debate was concluded during the first part of the 2nd meeting.

22. The delegations congratulated the Chairperson-Rapporteur on his re-election and commended him for his able leadership on the issue and for his approach based on transparency, inclusiveness, consensual decision-making and objectivity, which had contributed to narrowing the gap between diverging opinions among delegations on the initial draft declaration. Numerous delegations also expressed their appreciation for his efforts to prepare a revised text that carefully reflected the different positions expressed at the second session of the working group and during the constructive intersessional consultations with delegations, regional groups and other stakeholders. The delegations expressed the hope that the consensus approach would be maintained and also that the third session would conclude with a positive outcome so that the working group would be in a position to submit a draft declaration to the Human Rights Council.

23. A number of delegations reiterated their support for the mandate of the working group, namely to progressively negotiate a draft United Nations declaration on the right to peace. They considered that the working group needed to be mindful of fulfilling its mandate as provided by the Human Rights Council, and encouraged all parties to engage with that goal in mind.

24. Many delegations considered that the right to peace and the realization of peace were fundamental for economic and social progress and for the enjoyment of all human rights. A peaceful environment was necessary for the achievement of individual and collective rights in every nation. In their view, the right to peace was not a new concept, but one that already existed in the normative legal framework of international law. The prohibition of acts of aggression as contained in the Charter of the United Nations was the basis for the right to peace. Regional instruments that reflect the right to peace were recalled, for example, the African Charter on Human and Peoples' Rights and the Human Rights Declaration of the Association of Southeast Asian Nations (ASEAN). The imposition of unilateral coercive measures violated the principles of the Charter of the United Nations and therefore the right of peoples to live in peace. Several delegations stated that the right to peace could be realized by respecting the self-determination of peoples and the sovereignty, territorial integrity and political independence of sovereign States.

25. Other delegations restated their conviction that there was no legal basis for the right to peace as either an individual or collective right in international law. They were therefore of the view that it was not appropriate for the draft declaration to imply the existence of such a right in the title or the body of the text. They nevertheless welcomed the direction in which the Chairperson-Rapporteur was guiding the work of the working group. The delegations appreciated, however, the mutually reinforcing relationship between peace and security, human rights and development. While acknowledging the difficult task ahead for the working group, they expressed their will to engage constructively in forthcoming negotiations.

26. The revised text prepared by the Chairperson-Rapporteur was largely regarded as a solid basis for the negotiations to be held during the third session. According to the delegations, the text had to be concise but balanced, meaningful, realistic and implementable. It was suggested that controversial or undefined issues not enjoying consensus at the international level not be included. The content should be guided by international law and the provisions of the Charter of the United Nations. The inclusion of such elements as the prevention of armed conflict, a culture of peace and the interlinkage and mutual reinforcement between the three pillars of peace and security, development and human rights was welcomed by some. A number of delegations supported references in the

preamble to the right to development, the Declaration on the Right of Peoples to Peace[3] and the issue of terrorism.

27. Some delegations regretted that no progress had been made in the revised text towards norm-setting and codifying the right to peace pursuant to Human Rights Council resolution 20/15, reflecting previous related developments at the United Nations, including the Declaration on the Right of Peoples to Peace. Furthermore, they believed that certain areas of the text needed strengthening. In this connection, a suggestion was made to highlight the interrelations between the non-proliferation of weapons of mass destruction and peacemaking, peacekeeping and peacebuilding and the realization of the right to peace. Attention was also drawn to the situation of people living under foreign occupation, which violated all human rights.

28. Several delegations considered it essential to include the principles of non-aggression and the prohibition of the use of force in the draft declaration, while one delegation stressed the need to recognize the exceptions of the latter enshrined in the Charter.

29. The representatives of non-governmental organizations and of other stakeholders that contributed to the general discussion appealed to States to show political will and to work constructively towards producing a meaningful draft declaration, in spite of their differences. Their appreciation was expressed to the Chairperson-Rapporteur for engaging with numerous stakeholders when preparing his revised text and for having included references to such issues as equality and discrimination, as well as the rule of law. The reference to the three pillars of the United Nations in the preamble was also welcomed, as was the notion that peace was more than just the absence of conflict. A view was expressed that the draft declaration previously prepared by the Advisory Committee was more in line with the aspirations of peoples. While appreciating the efforts of the Chairperson-Rapporteur, some felt that his revised draft did not meet their expectations to build significantly on previous instruments, such as the Declaration on the Preparation of Societies for Life in Peace[4] and the Declaration on the Right of Peoples to Peace.[5] They regretted that the working group had not yet made progress in codifying the right to peace pursuant to Human Rights Council resolution 20/15, and that an explicit article defining the right to peace was absent from the revised text. They called upon the working group to initiate a genuine negotiation on the right to peace leading to normative development rather than to a political declaration.

30. Suggestions were also made for the inclusion of such elements as the right to human security; the right to disarmament; the right to peace education and training; the right to conscientious objection to military service; and the right to resistance and opposition to oppression. A call was also made for the establishment of a monitoring body to guarantee the implementation of the declaration. Some representatives proposed including the notions of the right to live in peace and of gender equality. One stakeholder drew attention to the adverse human rights impact of military spending, and expressed hope that the future declaration would be a step towards disarmament.

[3] General Assembly resolution 39/11, annex.
[4] General Assembly resolution 33/73.
[5] General Assembly resolution 39/11, annex.

IV. First and second readings of the revised text prepared by the Chairperson-Rapporteur of the working group

31. At its 2nd meeting, on 20 April 2015, its 3rd and 4th meetings, on 21 April 2015, and its 5th and 6th meeting on 22 April 2015, the working group proceeded, paragraph by paragraph, with the first and second readings of the revised text prepared by the Chairperson-Rapporteur of the working group, on the understanding that nothing would be agreed upon until everything had been agreed upon. The text was subject to two readings during the session, with the exception of article 1, which was considered only during the first reading.

32. At the outset, the Chairperson-Rapporteur stated that the revised text encompassed the different views expressed at the second session of the working group and in the informal and bilateral consultations held during the intersessional period. He explained that the revised text incorporated those elements included in the compilation of proposals made by States during the second session of the working group, around which it was hoped that consensus could be reached. He stressed that, in the light of the foregoing, the revised text was not the "Chairperson's text", and that his role was merely to facilitate the process. The Chairperson-Rapporteur reiterated his determination to seek consensus on the draft declaration, which he viewed as a first step towards building and codifying the right to peace.

33. Before beginning the reading, the Chairperson-Rapporteur also outlined the structure of the revised text. The first part of the preamble contained references to international instruments relevant to the context of the right to peace, followed by a number of paragraphs relating to each of the three pillars of the United Nations (namely, peace and security, human rights, and development), a section on peace education and the culture of peace, and concluded with the purposes of the declaration. Four articles formed the core of the revised text, building on, inter alia, article 23 of the African Charter on Human and Peoples' Rights and article 38 of the ASEAN Human Rights Declaration. Articles 3 and 4 dealt with the implementation and interpretation of the draft declaration.

A. Preamble

34. In the course of the reading, a number of proposals were made by delegations and other stakeholders to modify the Chairperson's revised text. The proposals were recorded in successive compilations subsequently made available in the room.

35. Comments of a general nature were made in which some States again reaffirmed their full support for the mandate of the working group and to reflect clearly the concept of the right to peace in the draft declaration, while others restated their view that there was no consensus on the right to peace as such, and that they wished to focus rather on the interlinkage between the three pillars of the United Nations. Those making statements pledged, in the spirit of reaching compromise, to work towards consensus, to show flexibility and to refrain from introducing controversial or complex issues.

36. Some delegations made proposals to insert specific provisions from the Charter of the United Nations throughout the preamble, while others raised a general concern over selectively adding elements from agreed texts, and notably from the Charter. The latter delegations were of the view that a general reference to the Charter at the beginning of the preamble was sufficient and all-encompassing, and that there was no need to add further extracts from it in subsequent sections of the preamble.

37. Discussions also centred on the inclusion of a reference to foreign occupation and alien subjugation, domination and exploitation, and a specific mention of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[6] Some participants felt that the absence of such references in a draft declaration on the right to peace was inconceivable.

38. It was also proposed to include a reference to the 2005 World Summit Outcome[7] and the post-2015 development agenda. Some delegations were of the view that the declaration should be kept short and concise, and generally did not favour additional inclusions, although they agreed with the reference to the World Summit Outcome and the post-2015 development agenda. Regarding the proposal to also add a general reference to "the relevant instruments mentioning or in relation to peace or the right to peace", a preference was voiced for citing specific instruments rather than referring to instruments in a general manner.

39. A suggestion to include a reference to the Rome Statute of the International Criminal Court, as amended, was also debated, with several delegations raising concerns over the fact that the amendments regarding the crime of aggression (2010) had not yet come into force. Alternatively, a reference to aggression or acts of aggression was proposed.

40. The insertion in the revised text of a paragraph on the issue of terrorism as a threat to peace was welcomed by a number of delegations. It was suggested that explicit mention be made to the threat that it posed to the territorial integrity and security of States in line with the wording of the Declaration on Measures to Eliminate International Terrorism.[8] It was also felt that the unequivocal condemnation of all acts of terrorism, including the provision of support for terrorist groups, as criminal and unjustifiable needed to be emphasized. A reservation was expressed at the proposal to condemn also the payment of ransom in this connection.

41. Alternatively, it was proposed that more focus should be place on the measures used in the fight against terrorism and that the need for them to be in compliance with the obligations of States under international law be stressed. Some delegations felt that the recognition of the importance of moderation and tolerance as a value within societies for countering extremism in all its aspects should also be reflected in the text.

42. As a compromise and a means to avoid focusing disproportionately on the issue of terrorism in the draft declaration, a suggestion was made to merge the original text with the proposals made. In this connection, caution was expressed at merging the issues of terrorism and extremism, given that extremism was a different and broader concept.

43. Several delegations felt that it was important to reaffirm the duty of States to cooperate, in accordance with the Charter of the United Nations, in order to, inter alia, maintain international peace and security. It was therefore suggested that wording from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations[9] be included. There was broad support for the proposal, although a concern was expressed that such a reference would be too broad.

44. Recognizing that peace was not only the absence of conflict, requirements for it were discussed. In this regard, some delegations were of the view that the link between

[6] General Assembly resolution 1514 (XV).
[7] General Assembly resolution 60/1.
[8] General Assembly resolution 49/60, annex.
[9] General Assembly resolution 2625 (XXV), annex.

peace and the full enjoyment of all human rights and fundamental freedoms should be more explicit. Others wished to emphasize the importance of socioeconomic development.

45. Diverging views were expressed on the inclusion of references to the right to development and the recalling of the Declaration on the Right to Development. While some delegations proposed the inclusion of additional references throughout the preamble, others supported the deletion of all mention. Some delegations pointed out that too many additional inclusions on this topic would dilute the revised text, arguing that the text would be better structured if these references were omitted in parts of the text that did not specifically focus on the right to development and related topics.

46. With regard to the provision in the revised text reflecting article 5 of the Vienna Declaration and Programme of Action, it was proposed that the language in the article should be more accurately reflected, and also that a reference to the primary responsibility of States to promote and protect human rights be added.

47. Comments were also made on a paragraph based on article 5 of General Assembly resolution 60/251 on the contribution of the United Nations to the prevention of human rights violations. Some preferred reverting to the original language by replacing the reference to the United Nations with a reference to the Human Rights Council.

48. Several delegations expressed the desire to insert specific wording from the Declaration on the Preparation of Societies for Life in Peace, emphasizing the duty of States to discourage advocacy of hatred and prejudice. Some delegations felt that the proposed text was not clearly relevant to the notion of the right to peace. Others were unable to support the insertion also because the relationship between the two concepts was a very complex one and touched upon the freedom of expression.

49. Suggestions were made to insert wording that would emphasize the importance of strengthening multilateralism, or the capacity of the United Nations, in order to prevent armed conflict. Such an insertion was agreeable to most delegations, although reservations were made on an additional proposal relating to the consequences of armed conflict and the positive impact that multilateralism could have on alleviating the suffering of people affected by armed conflict.

50. Several delegations subsequently proposed text that reflected the importance of promoting actions to eliminate the root causes of conflict. During the ensuing discussion, delegations expressed diverging positions on the exact phrasing of the text. Some delegations found ambitious wording preferable, while others were of the view that a more moderate approach was desirable.

51. It was also proposed to include language based on article 10 of the Programme of Action on a Culture of Peace on development assistance and capacity-building in post-conflict situations. While some delegations found the proposed text overly specific, there was in this regard broader support for further proposals that underlined the activities of the United Nations in development assistance. Several ideas on merging the different proposals were subsequently put forward.

52. Wording was further proposed to emphasize that a culture of peace is enhanced when States respect their obligations to settle international disputes by peaceful means. The idea advanced to list also some of the acts that would be inconsistent with this obligation, such as the delivery of shipments of arms to any party of an armed conflict, was not generally supported. Also discussed was the importance of resource allocation to programmes to enhance a culture of peace. There was also a proposal for alternative language on the issue of a culture of peace based on articles 3 and 4 of the Declaration on a Culture of Peace, and an addition to stress the importance of promoting and implementing

the World Programme for Human Rights Education[10] or the United Nations Declaration on Human Rights Education and Training[11] in order to develop a culture of peace.

53. Support was expressed for the proposal of several delegations to include wording from the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities[12] and the Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[13] Some were of the view that the inclusion of language from the Durban Declaration and Programme of Action would emphasize that racism, racial discrimination, xenophobia and related intolerance may, inter alia, endanger international peace and security.

54. A proposal was made to include wording on the elimination of nuclear weapons and other weapons of mass destruction as a means to contribute positively to the pursuit of durable and sustainable world peace.

55. Representatives of non-governmental organizations, speaking during the first reading, endorsed the preamble to the draft declaration, stressed the importance of reaching consensus and urged States to engage constructively in the debates with a view to finalizing and adopting the text at the end of the session. They stated that peace was not just the absence of violence, and generally welcomed proposals made by States that aimed to define the notion of the right to peace broadly and positively. They added that a clear reference to the right to peace should be included in the text.

56. In order to emphasize the importance of the draft declaration, it was also suggested that a separate paragraph referencing exclusively the Universal Declaration of Human Rights be included in the text. Another suggestion was made that more references to international, regional and local human rights instruments be included throughout the preamble.

B. Article 1

57. Before proceeding to consideration of article 1 of the revised text, the Chairperson-Rapporteur explained that the article was grounded in the three pillars of the United Nations. It followed that everyone should be entitled to enjoy peace and security, human rights and development. In this case, entitlement was used to refer to the guarantee of access of every human being to the benefits derived from the three pillars, which ought to be interpreted as an aspiration, an obligation or a privilege to which every human being should have access for the full enjoyment of a life in dignity and without war, violence, intolerance or conflict.

58. The Chairperson-Rapporteur clarified that the revised text drew on, inter alia, elements that the Human Rights Council had regarded as fundamental for building the right to peace. In particular, he had taken into consideration the elements that the Council had included in the operative paragraphs of resolutions 14/3 (2010), 17/16 (2011) and 20/15 (2012) on the right of peoples to peace. He had also taken into account the diverse positions expressed, and recalled that delegations today bore responsibility for finding agreements and for adopting a declaration.

59. Several delegations stated that, given the mandate of working group, an explicit reference to the right to peace was necessary, while others opposed such a reference,

[10] See General Assembly resolution 59/113.
[11] General Assembly resolution 66/137.
[12] General Assembly resolution 47/135, annex.
[13] See A/CONF.189/12.

reiterating that they did not recognize that right as a stand-alone right under international law, even though they agreed that peace was an important goal for humanity. In that sense, they restated their support for the balanced approach taken by the Chairperson-Rapporteur. It was also suggested that the mutually reinforcing nature of peace, security, development and human rights should have been underlined.

60. A number of alternative proposals for article 1 were made by delegations in an effort to find consensus. It was suggested that attention be focused on the promotion, protection and respect of human rights and fundamental freedoms, including peace, security and development. Another suggestion was to refer to the right to peace, to enjoy security and development, allowing the full realization of all human rights, as an entitlement for everyone. An alternative proposal was to acknowledge that, in some States, the elements contained in article 1 could be characterized as a right to peace. Another option put forward was to recognize the right of everyone to enjoy peace in such a way that security is maintained, all human rights are promoted and protected, and development is fully realized.

61. The language proposed by some delegations at the previous session of the working group was also re-tabled, referring to the fact that individuals, groups and peoples have the inalienable right to a just, sustainable and lasting peace, or mentioning the inalienable right of everyone to live in peace and dignity. During the discussion, some delegations restated their positions, but also expressed their readiness to accept the revised text as a compromise. Clarification was sought with regard to the legal difference between an entitlement and a right. The Chairperson-Rapporteur explained that the notion of entitlement was used in the International Covenant on Economic, Social and Cultural Rights to denote rights that were to be progressively realized. One delegation expressed a preference for not referring to an entitlement, but rather to the ability to enjoy peace, security, human rights and development.

62. Proposals to include additional articles in the revised text were made and supported by several delegations. The first proposal referred to the respect and implementation of the principles and purposes of the Charter of the United Nations, while the second one focused on the obligation of all States to refrain from the threat or use of force. It was also suggested that the latter proposal include a mention of respect for the territorial integrity or political independence of other States.

63. Participating non-governmental organizations, which were given an opportunity to making statements during the first reading, favoured the inclusion of some notions relating to everyone's right to live in peace, recalling that the right to life is recognized by international human rights law. Some suggested that the reference to "security" be removed from the revised text, cautioning on the potential ambiguity of the term – which could refer to either human security or national security, and therefore be a limitation to a recognized right – and reiterating that the declaration was not about the three pillars of the United Nations.

C. Article 2

64. The Chairperson-Rapporteur pointed out that article 2 focused on the role that States had to play to promote and protect justice and the rule of law, and to guarantee freedom from fear and want, all elements that contributed to peacebuilding. He added that the article was grounded in the key notion of human dignity.

65. Support was expressed for the draft article and for its action-oriented language. Several delegations by contrast sought to reinforce the declarative nature of the text.

66. Several delegations proposed adding specific language that referred to such notions as friendship and cooperation, the security of citizens, social justice and democracy, and moderation and tolerance. An alternative text for article 1 was also proposed, reflecting the fact that peace resulted from a systematic process, and drawing on language from the Vienna Declaration and Programme of Action.

67. Extensive discussions were held on new proposals to include elements relating to the creation and promotion of peace zones as a means to ensure the enjoyment of the right to peace; the development of peace education programmes; and the removal of obstacles to peace, such as unilateral coercive measures. A number of delegations felt that the concept of peace zones was insufficiently defined to be included in a United Nations declaration, and they also objected to the reference to the right to peace in the proposed article. Reference to peace education programmes received support from several delegations, while others considered the wording to be too prescriptive. Suggestions were made to either move the reference to the preamble or to list it as an example of possible actions by States in implementing the declaration in article 3. The suggestion to add comprehensive history education based on truth was also considered.

68. Participating non-governmental organizations, which were given an opportunity to make statements during the first reading of the revised text, pointed out the relevance of the afore-mentioned proposals, and one organization stated that States should be encouraged to report on how they contributed to the process towards establishing peace.

D. Article 3

69. Before opening the discussion on article 3, the Chairperson-Rapporteur explained that the article referred to the actors responsible for implementing the declaration and for providing assistance.

70. Some felt that the article should principally be directed to the United Nations and its specialized agencies, which should be encouraged to work together to achieve the goals of the declaration, and not include a list of other actors. Some delegations also expressed a preference for having a short and concise text, and provided concrete language to streamline the wording. Others supported the explicit inclusion of civil society. It was also suggested that States be included among the actors.

71. Participating non-governmental organizations, which were given an opportunity to comment during the first reading of the revised text, stressed the importance of including all actors in the promotion of peace.

E. Article 4

72. A number of delegations expressed concern at the list of instruments mentioned in article 4 of the revised text as a reference to guarantee a human rights approach to the declaration. Some felt that it brought legally binding texts and soft law to the same level, while others pointed out that the ratification status of the various instruments under the legal system of each State should not interfere with the interpretation of the text of the declaration. Some delegations proposed the deletion of the reference to regional instruments, while others preferred to maintain it. New language was suggested as a way to reduce the complexity of the article and to clarify its legal implication for States. Some delegations provided amendments to streamline the wording of the article.

V. General comments by non-governmental organizations

73. At the 7th meeting, on 23 April 2015, non-governmental organizations presented joint statements in which they called for the right to peace to be reaffirmed as a fundamental human right and reiterated that the right to peace was solidly based on international human rights law. They called upon delegations to adhere to their task of drafting a declaration on the right to peace on the basis of consensus.

74. Participating non-governmental organizations welcomed the efforts made by delegations to include peace education, and further reiterated previous proposals made to include elements in the draft declaration on disarmament and on the prohibition of the use of force. It was hoped that a meaningful declaration could be adopted, which would constitute a starting point to materialize the right to peace.

VI. Conclusion of the session

75. At its 8th meeting, on 24 April 2015, the working group reconvened in a formal setting to conclude its work.

76. At the request of delegations, the Chairperson-Rapporteur presented a revised text of a draft declaration (see annex), based on the discussions held at the third session of the working group, which was discussed in an informal setting.

77. One delegation felt that the right to development was insufficiently reflected in the Chairperson's text. Some delegations also pointed that the following proposals, which they had put forward, had not been discussed or integrated into the text:

- "Convinced that the elimination of nuclear weapons and other weapons of mass destruction, including through the establishment of weapons of mass-destruction-free zones, contribute positively to the pursuit of durable and sustainable world peace"
- "States should respect and put into practice the principles and purposes of the Charter of the United Nations in their relations with all other States irrespective of their political, economic or social systems or their size, geographical location or level of economic development"
- "Affirming that a world free from weapons of mass destruction would greatly contribute to the realization of the purposes and principles of the Charter of the United Nations"

78. The Chairperson-Rapporteur explained that he intended to include his conclusions and recommendations in the report on the status of negotiations on a draft declaration as of the conclusion of the third session of the working group. He added that he was not in a position to make any commitment to continuing the present mandate in the future.

79. In the general comments made at the conclusion of the session, a number of delegations expressed their sincere gratitude for the leadership, flexibility and efforts demonstrated by the Chairperson-Rapporteur in working with all parties towards consensus. Appreciation was also expressed for the contributions made by non-governmental organizations and the support provided to the Chairperson-Rapporteur and the working group by the secretariat throughout the third session. While some disappointment was expressed with the outcome of the working group, it was nevertheless felt that progress had been made. Several delegations and non-governmental organizations taking the floor expressed the hope that work would continue and an agreement would be reached in the near future.

VII. Conclusions and recommendations of the Chairperson-Rapporteur

80. **The Chairperson-Rapporteur acknowledged the respectful atmosphere and spirit of dialogue and cooperation seen during the third session of the working group while moving towards a consensual outcome.**

81. **The Chairperson-Rapporteur pointed out that, unfortunately, such an agreement could not be reached and, for that reason, recommended that the Human Rights Council conduct an assessment of whether the international community was in a position to develop further the right to peace in a consensual manner at this point in time.**

VIII. Adoption of the report

82. At its 8th meeting, on 24 April 2015, the working group adopted the draft report on its third session ad referendum and decided to entrust the Chairperson-Rapporteur with its finalization.

Annex

Text presented by the Chairperson-Rapporteur on 24 April 2015

United Nations declaration on the right to peace*

Preamble

The General Assembly,

PP1 *Guided* by the purposes and principles of the Charter of the United Nations,

PP2 *Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Vienna Declaration and Programme of Action,

PP3 *Recalling also* the Declaration on the Right to Development, the United Nations Millennium Declaration, including the Millennium Development Goals, and the 2005 World Summit Outcome,

PP4 *Recalling further* the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Right of Peoples to Peace and the Declaration and Programme of Action on a Culture of Peace, and other international instruments relevant to the subject of the present declaration,

PP5 *Recalling* the Declaration on the Granting of Independence to Colonial Countries and Peoples,

[PP6 *Recalling* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,]**

PP7 *Reaffirming* the obligations of all Member States, as enshrined in the Charter of the United Nations, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

[PP8 *Reaffirming* that the full realization of the right of all peoples, including those living under colonial or other forms of alien domination or foreign occupation, to self-determination, as enshrined in the Charter and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples, is integrally linked to the fuller development of a culture of peace,]

PP9 *Recognizing* the importance of the settlement of disputes or conflicts through peaceful means,

[PP10 *Deeply deploring* all acts of terrorism, recalling that the Declaration on Measures to Eliminate International Terrorism recognizes that acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations and may pose a threat to international peace and security, jeopardize friendly relations among States, threaten the territorial integrity and security of States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society, and solemnly reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism [including providing support for terrorist groups, such as financial

* The title of the the text presented by the Chairperson-Rapporteur was not discussed at the third session of the working group.

** Square brackets denote text on which consensus was not reached.

support and safe havens for those who incite, plan, finance or commit terrorist acts as criminal and unjustifiable], wherever and by whomever committed,]

[PP11 *Stressing* that all measures taken in the fight against terrorism must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law, as well as those enshrined in the Charter,]

PP12 *Reaffirming* the determination of the peoples of the United Nations as expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to promote social progress and better standards of life in larger freedom, and to practice tolerance and live together in peace with one another as good neighbours,

PP13 *Recalling* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

[PP14 *Recognizing* that peace is not only the absence of conflict, but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation,]

PP15 *Recalling also* that the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that peace [is critically enhanced for] the full enjoyment of all inalienable rights derived from the inherent dignity of all human beings,

PP16 *Recalling further* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

PP17 *Recalling* the commitment of the international community to eradicate poverty and to promote sustained economic growth, sustainable development and global prosperity for all and the need to address inequalities within and among States,

PP18 *Recognizing* the importance of the prevention of armed conflict [, notably/including] through [multilateralism and diplomacy], in accordance with the purposes and principles of the Charter, and of the commitment to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges faced by peoples throughout the world, bearing in mind the human and material costs of armed conflicts,

PP19 *Recalling* that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

PP20 *Reaffirming* the conviction expressed in the Constitution of the United Nations Educational, Scientific and Cultural Organization that, since wars begin in the minds of human beings, it is in the minds of human beings that the defences of peace must be constructed,

[PP21 *Recalling* that every State has the duty to address advocacy of hatred and prejudice against other peoples as contrary to the principles of peaceful coexistence and friendly cooperation,]

PP22 *Recalling* the importance of promoting actions aimed at [eliminating the root causes] the contributing factors of conflict, while taking into consideration, inter alia, political, social and economic factors,

[PP23 *Recalling* that development assistance and capacity-building based on the principle of national ownership in post-conflict situations should restore peace through rehabilitation, reintegration and reconciliation processes involving all those engaged, and recognizing the importance of peacemaking, peacekeeping and peacebuilding activities of the United Nations for the global pursuit of peace and security,]

PP24 [*Recalling* also that the wide diffusion of culture], and the education of humanity for justice and liberty and peace are indispensable to the dignity of human beings and constitute a [sacred] duty that all nations must fulfil in a spirit of mutual assistance and concern,

PP25 *Reaffirming* that the culture of peace is a set of values, attitudes, traditions and modes of behaviour and ways of life, as identified in the Declaration on a Culture of Peace, and that all this should be fostered by an enabling national and international environment conducive to peace,

PP26 *Recognizing* the importance of moderation and tolerance as values contributing to the promotion of peace and security,

PP27 *Recognizing also* the important contribution that civil society organizations can make in building and preserving peace, as well as in strengthening a culture of peace,

PP28 *Stressing* the need for States, the United Nations system and other relevant international organizations to allocate [substantial] resources to programmes aimed at strengthening the culture of peace and upholding human rights awareness through training, teaching and education,

PP29 *Stressing also* the importance of the contribution of the United Nations Declaration on Human Rights Education and Training to the promotion of a culture of peace,

PP30 *Recalling* that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are among the best guarantees of international peace and security,

PP31 *Recalling also* that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human, as well as the virtue that makes peace possible and contributes to the promotion of a culture of peace,

PP32 *Recalling* further that [every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace],

PP33 *Recalling further* that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of a society as a whole and within a democratic framework based on the rule of law would contribute to the strengthening of friendship, cooperation and peace among peoples and States,

[PP34 *Recalling* the primary responsibility of States to promote measures to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance, as well as all forms of intolerance and discrimination based on religion or belief,]

[PP35 *Recognizing* that racism, racial discrimination, xenophobia and related intolerance are among the root causes of armed conflict and very often one of its consequences, and recalling that non-discrimination is a fundamental principle of international law,]

PP36 *Inviting* solemnly all stakeholders to guide themselves in their activities by recognizing the high importance of practicing tolerance, dialogue, cooperation and solidarity among all human beings, peoples and nations of the world as a means to promote peace, [: to that end, present generations should ensure that both they and future generations learn to live together in peace] with the highest aspiration of sparing future generations the scourge of war,

Article 1[***]

Everyone has the right to enjoy peace such that security is maintained, all human rights are promoted and protected and development is fully realized.

Article 2

States should respect, implement and promote equality and non-discrimination, justice and the rule of law and guarantee the security of their people, fulfil their needs and ensure the protection and promotion of their universally recognized human rights and fundamental freedoms as a means to build peace.

Article 3

States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the present Declaration. Encourages international, regional, national and local organizations and civil society to support and assist in the implementation of the present Declaration.

Article 4

Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations. The provisions included in this Declaration are to be interpreted in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and international law.

[***] The articles of the text presented by the Chairperson-Rapporteur were not discussed at the third session of the working group.